

Message Text

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TO SECSTATE WASHDC 8987
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C O N F I D E N T I A L BONN 09927

E.O. 11652: GDS
TAGS: PINS, YO, GW
SUBJECT: FRG - YUGOSLAV REQUESTS FOR EXTRADITION

1. THE FRG IS CONSIDERING EXTRADITING A GROUP OF EIGHT YUGOSLAVS (FIVE OF WHOM ARE APPARENTLY IN GERMAN PRISONS) IN RETURN FOR THE EXTRADITION OF 4 GERMAN TERRORISTS BEING HELD IN YUGOSLAVIA. THE FRG CANNOT, HOWEVER, EXTRADITE THE YUGOSLAVS WITHOUT THE CONCURRENCE OF LAND AND JUDICIAL AUTHORITIES.

2. ON MAY 29, THE FRG ANNOUNCED THAT YUGOSLAV AUTHORITIES HAD ARRESTED 4 SUSPECTED GERMAN TERRORISTS. THE TERRORISTS, 3 OF WHOM ARE OF THE 'MOST WANTED' CATEGORY, WERE APPARENTLY CAPTURED SEVERAL WEEKS EARLIER. THE TERRORISTS IN QUESTION, ALL MEMBERS OF THE BAADER-MEINHOF GROUP, ARE BRIGITTE MOHNHAUPT, ROLF CLEMENS-WAGNER, PETER BOOCK AND SIEGELINDE HOFMANN. THE FRG REQUESTED EXTRADITION OF THE 4 TERRORISTS ON MAY 18 AND YUGOSLAV AUTHORITIES REPLIED WITH AN EXTRADITION REQUEST FOR 8 CROATIANS PRESENTLY IN GERMANY.

3. THE FRG PUBLICLY MAINTAINS THAT THERE IS NO LINK-
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AGE BETWEEN THE TWO CASES THOUGH IT ACKNOWLEDGES THAT THEY MUST BE SEEN "IN THE SAME CONTEXT". FOREIGN OFFICE OFFICIALS HAVE TOLD US INFORMALLY THAT THE YUGOSLAVS ARE INSISTING ON A QUID PRO QUO. MOREOVER, A MINISTRY OF JUSTICE OFFICIAL TOLD US THAT THE YUGOSLAV REQUEST COMES FROM "THE HIGHEST AUTHORITY" (PRESUMABLY TITO).

4. FOREIGN OFFICE STATE SECRETARY VAN WELL INDICATED TO THE AMBASSADOR THAT THE FRG WAS SERIOUSLY CONSIDERING MAKING AN EXCHANGE--WHICH WOULD, OF COURSE, NOT BE ACKNOWLEDGED AS SUCH. VAN WELL DID NOT, HOWEVER, SAY THE FRG HAD MADE A DEFINITE POLITICAL DECISION IN THIS MATTER. MOREOVER, HE POINTED OUT THAT THE FRG CANNOT EXTRADITE THE YUGOSLAVS WITHOUT THE APPROVAL OF LAND AND JUDICIAL AUTHORITIES. ACCORDING TO GERMAN LAW, THE HIGH COURT OF EACH LAND IN WHICH THE YUGOSLAVS ARE IMPRISONED MUST APPROVE EXTRADITION. IF THE COURT RULES AGAINST EXTRADITION THE CASE IS DROPPED. A DECISION IN FAVOR OF EXTRADITION MUST THEN BE CONCURRED IN BY THE LAND MINISTRY OF JUSTICE. ONLY THEN IS IT REFERRED TO THE FEDERAL AUTHORITIES I.E. THE MINISTRY OF JUSTICE AND THE FOREIGN OFFICE, FOR FINAL ACTION.

5. VAN WELL ALSO NOTED THAT THE FRG DOES NOT EVEN KNOW THE WHEREABOUTS OF 3 OUT OF THE 8 YUGOSLAVS LISTED BY BELGRADE. WE HAVE AS YET BEEN UNABLE TO DETERMINE THE NAMES OF THE YUGOSLAVS IN QUESTION. NOR DO WE KNOW ON WHAT CHARGES THEY ARE INCARCERATED IN THE FRG.

6. WE UNDERSTAND THAT AN FRG DELEGATION LED BY STATE MINISTER WISCHNEWSKI AND A SENIOR MINISTRY OF INTERIOR OFFICIAL RECENTLY VISITED YUGOSLAVIA IN AN UNSUCCESS-CONFIDENTIAL

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FUL EFFORT TO ATTAIN EXTRADITION OF THE GERMAN TERRORISTS. WISCHNEWSKI REPORTEDLY MET WITH YUGOSLAV INTERIOR MINISTER HERLJEVIC.

7. COMMENT: THE FRG FACES A DIFFICULT POLITICAL DECISION IN THIS CASE. ON ONE HAND, THERE ARE STRONG DOMESTIC PRESSURES FOR THE GOVERNMENT TO OBTAIN AND PROSECUTE THE TERRORISTS. CLEARLY, HOWEVER, THE GERMANS DO NOT WISH TO BE IN THE POSITION OF RETURNING TO YUGOSLAVIA INDIVIDUALS WHOSE CRIMES ARE PURELY POLITICAL IN NATURE.
STOESSEL

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